REMARKS

The rejection of claims 1 to 16 as being as being obvious over Richman (US 6,631,384) in view of Bentele (US 2003/0160436) and further in view of the Chatterjee (article "The Development and Role of Accident Prevention Models") is traversed.

A   Rebuttal To Examiner's Response Para. 3 of Action Responding to Applicant's Arguments For Patentability.

Contrary to the Action at paragraph 3, an accident scenario review such as in the present invention would not have been obvious from an accident predictive model such as described in Chatterjee. An accident predictive model is distinct and is for a different purpose than an accident scenario review. An accident predictive model as described in Chatterjee, Abstract, considers "empirically derived, quantitative relationships between accident frequency and explanatory variables to predict future incidents. The accident scenario review (ASR) of the present invention analyzes prior accidents and generates suggested actions to avoid future similar accidents." Chatterjee relates to accident predicative models (APMs) that are based on studies of multiple accidents and is used to predict accidents. In contrast, an accident scenario review relates to "an analysis of a product or a system to evaluate risk(s) to personnel or equipment and identify mitigating conditions that may control or avoid such risks." Application para. 0001. Whereas APMs predict accidents, accident scenario review analyzes products and systems.

Whereas APMs may provide useful information for an accident scenario review, APMs do not provide a template for analyzing an individual accident. In view of these differences, an accident scenario review is not obvious in view of an APM. *See* Action, para. 3.

The statement in paragraph 3 of the Action that the claimed accident scenario review is merely a report containing non-function descriptive information is a mischaracterization of the invention. The method of claim 1 requires an accident scenario review (ASR) to be performed using an existing ASR template that is tailored to reflect the safety incident, e.g., accident, being reviewed. Contrary to the Action, the steps of claim 1 do not merely require a report to be generated. Claim 1 specifically requires the method of performing an ASR using an existing template that is tailored to reflect the safety incident under review. These steps are not suggested or disclosed by the APM disclosed in Chatterjee.

B.   Reply to Rejection:

Independent claims 1 and 9 are directed to a method for analyzing the safety of a product in view of a safety incident associated with the product and prior safety incidents. The method provides a novel procedure for conducting an accident scenario review (ASR) that uses a template from an earlier ASR conducted for comparative prior safety incident associated with the product. The method updates the template of each ASR for each successive comparative safety event and generates at least one corrective action from each ASR. The applied prior art does not disclose a method for conducting ASRs

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and certainly does not discuss conducting an ASR based on an ASR template or updating the template with each ASR.

Richman discloses a database programs for storing completed accident reports. Richman does not disclose a method for analyzing a product in view of a safety incident. Richman provides no suggestion or procedure for analyzing an accident, e.g., an ASR, or generating accident reports. As such, Richman does not relate to the claimed invention.

Richman discloses a correction feature that allows changes to be made to correct data in the database. *See* Richman, col. 5, lns. 44-58. Changing a database file to correct errors is not conducting an ASR and does not suggest tailoring an existing ASR template to conduct a subsequent ASR. The Richman database stores accident reports. There is no suggestion in Richman of modifying correct data regarding the accident reports. Rather, Richman teaches how to correct incorrect data in a database. The ASR templates recited in claim 1 and 9 do not have errors and are not in need of correction.

The sections of Richman cited in the Office Action do not disclose "comparing the safety incident to a plurality of previously analyzed safety incidents." (Action, para. 6). Specifically, Richman does not disclose comparing a current safety incident to the Service Difficulty Reports (SDRS) stored in its database to identify a previously reported safety incident that is most similar to the current safety incident. The sections of Richman cited in the Action are: col. 5, lns. 5-20 that describes the SDR, col. 5, lns. 49-65 that describe a change file of changes made to the database of SDRS, state that the database of SDRS is harmonized and verified, and that the Aviation Safety Report

System (ASRS) is maintained in a different database that the SDRS; and col. 13, lns. 17 to 46 which discloses comparing SDR data based on peer aircraft. These sections of Richman do not suggest comparing safety documents on a safety incident "for the product" and "selecting one of said safety incidents based on the comparison" as is stated in claim 1. Further, the statement in the Action that matching SDRs is done by comparing the identifier with those in the Change file or census file is not a proper characterization of Richman. The Change file is to track aircraft having inaccurate or garbled identifiers and to provide a correct aircraft identifier. Richman, col. 5, lns. 44-45. The Change file does not provide a means for searching for similar safety incidents as is required by claim 1, step (a) and claim 9 step (c).

Richman does not disclose tailoring an ASR template. Contrary to the Action, correcting a database of aircraft SDRS does not constitute tailoring an ASR template. Specifically, correcting the database of SDRS does not constitute correcting the SDRS. Even if disclosed in Richman, correcting an SDR would not constitute tailoring a "template" to reflect the ASR for another safety incident, as is recited in claim 1.

Richman does not disclose a "tailored ASR template" and thus does not disclose updating to include the tailored ASR template. Contrary to the Action, updating the Change and Census datasets of the SDR database does not constitute including a tailored ASR template in safety documentation, as is required by claim 1.

Bentele discloses an automatic procedure for deploying an air bag. The procedure occurs before or during an accident, and cannot be considered a procedure for reviewing

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an accident. Contrary to the Action, the description in Bentele of different scenarios for triggering an air bag are not accident reviews and do not follow an ASR template selected from a prior ASR. The different air bag triggering scenarios disclosed in Bentele does not constitute using an existing ASR template to conduct an ASR of a safety incident.

Chatterjee teaches away from the current invention by teaching the use of APMs to develop safety corrective actions rather than developing such actions as part of the accident safety review. The difference between ASRs and APMs is evident from claim 5 that relates to incorporating an APM as part of an ASR.

The combination of Richman, Bentele and Chatterjee would not have rendered the claimed invention to have been obvious. It is not apparent why or how a person of ordinary skill would have combined these references related to an accident database, airbag triggering events, and modeling accidents. The Action combines these references using the benefit of hindsight gained from this application. Without benefit of this application, one of ordinary skill in the art would not have been directed to the current invention.

The dependent claims are allowable for at least the following additional reasons:

- Claims 4 and 12 – Bentele does not disclose determining if a severity level of a safety incident is above a threshold level. The Action cites to a noise threshold level in Bentele (para. 0039) which is merely a noise filter and does not constitute a determination if a safety incident is above a severity level.

All claims are in good condition for allowance. If any small matter remains outstanding, the Examiner is requested to telephone applicants' attorney. Prompt reconsideration and allowance of this application is requested.

The Commissioner is hereby authorized to charge any <u>deficiency</u>, or credit any overpayment, in the fee(s) filed, or asserted to be filed, or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Account No. 14-1140.

Respectfully submitted,

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